



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Eighth Meeting Day

Tuesday Afternoon

January 22, 2008

The Senate convened at 2:25 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Robert N. Jackman.

The Pledge of Allegiance to the Flag was led by Senator Jackman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford <input checked="" type="checkbox"/>	Skinner
Gard	Smith
Hershman	Steele
Howard <input checked="" type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 22: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass. Committee Vote: Yeas 10, Nays 0.

Report adopted.

WYSS, Chair

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-19-2-8, AS ADDED BY P.L.65-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines ~~other than building, space, and site requirements~~, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and
(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;
(B) IC 20-28-5-2;
(C) IC 20-28-6-3 through IC 20-28-6-7;
(D) IC 20-28-9-7 and IC 20-28-9-8;
(E) IC 20-28-11; and
(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 2. IC 20-19-2-12, AS AMENDED BY P.L.1-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) The state board shall, **in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations.** The nonbinding guidelines ~~(1)~~ must include:

(1) preferred location and building practices for school corporations, including standards for enhancing health, student safety, accessibility, energy efficiency, cost operating efficiency, and instructional efficacy; and

(2) may include guidelines concerning minimum acreage, cost per square foot and or cost per ADM (as defined in IC 20-18-2-2), technology infrastructure, building materials, per student square footage, and other general space requirements, including space for academics, administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and

(3) additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.

The building law compliance officer appointed under IC 10-19-7-4, the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

(b) The state board shall annually compile, in a document capable of easy revision, the:

(1) guidelines described in subsection (a); and

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) **A school corporation shall consider the guidelines adopted under subsection (a) when developing plans and specifications for a facility described in subsection (a).** Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall **do the following:**

(1) Submit the proposed plans and specifications to the department. Within thirty (30) days after the department receives the plans and specifications, the department shall:

(A) review the plans and specifications to determine whether they comply with the guidelines adopted under subsection (a); and

(B) provide written recommendations concerning the plans and specifications to the school corporation, which must include findings as to any material differences between the plans and specifications and the guidelines adopted under subsection (a).

~~(1)~~ **(2) After the earlier of:**

(A) receipt of the recommendations provided under subdivision (1)(B); or

(B) the date that is thirty (30) days after the date the department received the plans and specifications under subdivision (1)(A);

issue a public document that describes **the recommendations, if any, and any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board.** ~~and~~

~~(2)~~ **(3) After publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.**

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision ~~(1)~~ **(2)** to identify any changes in the plans and specifications after the public document's initial preparation.

SECTION 3. IC 20-19-2-13, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

(1) The terms of a federal grant or a federal law.

(2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

However, the state board shall adopt guidelines concerning plans and specifications as required by section 12 of this chapter.

SECTION 4. IC 20-19-3-8, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

(b) Notwithstanding subsection (a), the department shall do the following:

- (1) Receive and review plans and specifications as required by IC 20-19-2-12.**
- (2) Establish a central clearinghouse for access by school corporations that may want to use a prototype design in the construction of school facilities. The department shall compile necessary publications and may establish a computer data base to distribute information on prototype designs to school corporations. Architects and engineers registered to practice in Indiana may submit plans and specifications for a prototype design to the clearinghouse. The plans and specifications may be accessed by any person. However, the following provisions apply to a prototype design submitted to the clearinghouse:**
 - (A) The original architect of record or engineer of record retains ownership of and liability for a prototype design.**
 - (B) A school corporation or other person may not use a prototype design without the permission of the original architect of record or engineer of record.**

The state board may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 5. IC 20-23-4-42, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 42. (a) The state board shall enforce the rules compiled under IC 20-19-2-8 that establish procedures and standards set forth in IC 20-19-2-12 concerning the review of, and public hearings concerning, plans and specifications for the construction of, addition to, or remodeling of school facilities. The commission shall apply these rules equally to facilities to be used or leased by both community school corporations and school corporations that are not community school corporations.

(b) A school building or an addition to a school building may not be constructed and a lease of a school building for a term of more than one (1) year may not be entered into by a school corporation other than a community school corporation or by two (2) or more school corporations jointly without the approval of the state board. For purposes of this subsection, "community school corporation" does not include a community school corporation governed by an interim board of school trustees.

(c) (b) An action to question any approval referred to in this

section or to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any approval should not have been granted, may not be instituted at any time later than fifteen (15) days after approval has been granted.

(Reference is to SB 13 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Joint Resolution 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution be amended as follows:

Page 2, delete lines 23 through 31, begin a new paragraph and insert:

"(e) The following definitions apply to subsection (f):

- (1) "Other residential property" means tangible property (other than tangible property described in subsection (c)(4)) that is used for residential purposes.
- (2) "Nonresidential real property" means real property that is not tangible property described in subsection (c)(4) and is not other residential property.

(f) The General Assembly shall, by law, limit a taxpayer's property tax liability as follows:

- (1) A taxpayer's property tax liability on tangible property described in subsection (c)(4) may not exceed one percent (1%) of the gross assessed value of the property that is the basis for the determination of property taxes.
- (2) A taxpayer's property tax liability on other residential property may not exceed two percent (2%) of the gross assessed value of the property that is the basis for the determination of property taxes.
- (3) A taxpayer's property tax liability on nonresidential real property may not exceed three percent (3%) of the gross assessed value of the property that is the basis for the determination of property taxes.
- (4) A taxpayer's property tax liability on personal property (other than personal property that is tangible property described in subsection (c)(4) or personal property that is other residential property) may not exceed three percent (3%) of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district.

(g) Property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the limits to property tax liability under subsection (f)."

(Reference is to SJR 1 as introduced.)

and when so amended that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-20.6-7, AS AMENDED BY P.L.224-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) In the case of a credit authorized under section 6 of this chapter or provided by section 6.5(a) or 6.5(b) of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to

(A) the person's qualified residential property located in the county; in the case of a calendar year before 2008; or

(B) the person's homestead; (as defined in IC 6-1.1-20.9-1) property located in the county; in the case of a calendar year after 2007 and before 2010; and

(2) the amount of the credit is the amount by which the person's property tax liability attributable to

(A) the person's qualified residential property; in the case of a calendar year before 2008; or

(B) the person's homestead property; in the case of a calendar year after 2007 and before 2010;

for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property (in the case of a calendar year before 2008) or the person's homestead property (in the case of a calendar year after 2007 and before 2010) for property taxes first due and payable in that calendar year; as adjusted under subsection (c). A person is entitled to a credit against the person's property tax liability for property taxes first due and payable in 2009. The amount of the credit is the amount by which the person's property tax liability attributable to the person's:

(1) homestead exceeds one and five-tenths percent (1.5%);

(2) residential property exceeds two and five-tenths percent (2.5%);

(3) nonresidential real property exceeds three percent (3%); or

(4) personal property exceeds three percent (3%);

of the gross assessed value of the property that is the basis for determination of property taxes for that calendar year.

(b) In the case of a credit provided by section 6.5(c) of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property located in the county; and

(2) the amount of the credit is equal to the following:

(A) In the case of property tax liability attributable to

the person's homestead property, the amount of the credit is the amount by which the person's property tax liability attributable to the person's homestead property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the homestead property for property taxes first due and payable in that calendar year; as adjusted under subsection (c).

(B) In the case of property tax liability attributable to property other than homestead property, the amount of the credit is the amount by which the person's property tax liability attributable to the person's real property (other than homestead property) and personal property for property taxes first due and payable in that calendar year exceeds three percent (3%) of the gross assessed value that is the basis for determination of property taxes on the real property (other than homestead property) and personal property for property taxes first due and payable in that calendar year; as adjusted under subsection (c).

(c) This subsection applies to property taxes first due and payable after December 31, 2007. The amount of a credit to which a person is entitled under subsection (a) or (b) in a county shall be adjusted as determined in STEP FIVE of the following STEPS:

STEP ONE: Determine the total amount of the person's property tax liability described in subsection (a)(1) or (b)(1) (as applicable) that is for tuition support levy property taxes.

STEP TWO: Determine the total amount of the person's property tax liability described in subsection (a)(1) or (b)(1) (as applicable):

STEP THREE: Determine the result of:

(A) the STEP TWO amount; minus

(B) the STEP ONE amount;

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; divided by

(B) the STEP TWO amount;

STEP FIVE: Multiply the credit to which the person is entitled under subsection (a) or (b) by the STEP FOUR amount:

Notwithstanding any other provision of this chapter, a school corporation's tuition support property tax levy collections may not be reduced because of a credit under this chapter.

(b) Property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating a person's credit under this section."

Delete page 3.

Page 4, delete lines 1 through 9.

Page 4, line 12, after "7.5." insert "(a)".

Page 4, between lines 23 and 24, begin a new paragraph and insert:

"(b) Property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating a person's credit under this section."

Renumber all SECTIONS consecutively.
(Reference is to SB 12 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 12, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2008] (a) For the period beginning January 1, 2009, and ending June 30, 2009, there is transferred to the Indiana criminal justice institute from money appropriated to the bureau of motor vehicles an amount that is necessary to give full effect to the transfer of responsibilities concerning the licensing of commercial driver training schools and instructors from the bureau of motor vehicles to the Indiana criminal justice institute under this act.

(b) The source and amount of money transferred under subsection (a) shall be:

- (1) determined jointly by the bureau of motor vehicles and the Indiana criminal justice institute; and
- (2) memorialized not later than December 1, 2009, in a writing that is subject to approval by the state budget agency."

Renumber all SECTIONS consecutively.
(Reference is to SB 339 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "locations and" and insert "**locations, using the recommended**".

Page 1, line 4, after "widths" insert "**established by the department in the department's approved design manual for equivalent classification of roads,**".

Page 1, line 11, delete "one (1) newspaper" and insert "**two (2) newspapers**".

Page 1, line 13, after "hearing." insert "**If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. Notice of the hearing shall be given by mail to all owners of real property and utilities identified within the rights-of-way shown on the map.**".

Page 2, between lines 4 and 5, begin a new line block indented

and insert:

"(3) The type, location, and owners of utility facilities in the area of the addition."

Page 2, line 5, delete "(3)" and insert "**(4)**".

Page 2, line 13, delete "one" and insert "**two (2) newspapers**".

Page 2, line 14, delete "(1) newspaper".

Page 2, line 15, after "recorded," insert "**however, if only one (1) newspaper is published in the county, publication in that newspaper is sufficient;**".

Page 2, delete lines 20 through 23.

Page 2, line 24, delete "(f)" and insert "**(e)**".

Page 2, line 30, delete "(g)" and insert "**(f)**".

Page 2, line 31, delete "(f)," and insert "**(e),**".

Page 2, line 37, after "subsection." insert "**If the department does not purchase the property or acquire the property by eminent domain within one hundred eighty (180) days after responding under this subsection, the department may subsequently acquire the property through the exercise of the right of eminent domain under IC 32-24.**".

Page 2, line 38, delete "(h)" and insert "**(g)**".

Page 2, line 41, delete "(f)" and insert "**(e)**".

Page 3, line 1, delete "(g)." and insert "**(f).**".

Page 3, line 2, delete "(i)" and insert "**(h)**".

Page 3, after line 13, begin a new paragraph and insert:

"(i) The department shall adopt guidelines to determine whether a project constitutes an addition to the state highway system for purposes of this section. In adopting guidelines under this subsection, the department shall consider the following:

(1) The need for additional capacity.

(2) The estimated cost of the project.

(3) Whether the project is new construction or maintenance."

(Reference is to SB 31 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

RESOLUTIONS ON SECOND READING**Senate Concurrent Resolution 6**

Senator Paul called up Senate Concurrent Resolution 6 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pflum, Saunders, and Knollman.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 16**

Senate Concurrent Resolution 16, introduced by Senator Paul:

A CONCURRENT RESOLUTION recognizing Trinity Lutheran Church, Union City, on the 150th anniversary of its establishment.

Whereas, On October 7, 2007, Trinity Lutheran Church celebrated the 150th anniversary of its establishment;

Whereas, Trinity Lutheran Church serves the unique community of Union City that claims Indiana and Ohio as home;

Whereas, Trinity Lutheran Church is the oldest church in both townships of Union City;

Whereas, Trinity Lutheran Church continues to contribute substantially to the spiritual well-being of its members and to the strength of the community; its rich heritage as a place of worship merits special recognition; and

Whereas, Trinity Lutheran Church has served the community for 150 years and continues its heritage of worship, Christian education, and community service: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Trinity Lutheran Church on its 150th anniversary and expresses to the Reverend Dr. Bonnie Sparks, other church leaders, and the congregation its appreciation for the many good works supported by this great church.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Reverend Dr. Bonnie Sparks, Pastor of Trinity Lutheran Church.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Davis.

JOINT RESOLUTIONS ON SECOND READING**Senate Joint Resolution 3**

Senator Lubbers called up Senate Joint Resolution 3 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

Senate Joint Resolution 5

Senator Delph called up Senate Joint Resolution 5 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

SENATE BILLS ON SECOND READING**Senate Bill 2**

Senator Lubbers called up Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 3

Senator Drozda called up Senate Bill 3 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 3–16)

Madam President: I move that Senate Bill 3 be amended to read as follows:

Page 1, line 3, after "dispense" insert "**or sell**".

Page 1, line 6, after "abortion;" insert "**or**".

Page 1, delete line 7.

Page 1, line 8, delete "(3)" and insert "**(2)**".

Page 1, between lines 9 and 10, begin a new line blocked left and insert:

"However, before a pharmacist refuses to dispense a drug or medical device under subdivision (2), the pharmacist shall contact the prescribing physician to clarify the clinical condition of the patient and the appropriateness of the prescribed drug or medical device."

Page 1, line 10, after "(b)" insert "**If a pharmacist refuses to dispense or sell a drug or medical device under subsection (a)(1), the pharmacy where the pharmacist is employed shall have a policy in place to dispense or sell the drug or medical device.**

(c)".

Page 1, line 10, after "dispense" insert "**or sell**".

Page 1, line 16, delete "(c)" and insert "**(d)**".

Page 2, line 2, after "dispense" insert "**or sell**".

Page 2, line 6, delete "(d)" and insert "**(e)**".

Page 2, line 7, delete "(c)," and insert "**(d),"**".

Page 2, line 12, delete "(c)." and insert "**(d)."**".

Page 4, line 13, after "dispense" insert "**or sell**".

(Reference is to SB 3 as printed January 11, 2008.)

DROZDA

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 23: yeas 29, nays 16. Motion prevailed.

SENATE MOTION
(Amendment 3–10)

Madam President: I move that Senate Bill 3 be amended to read as follows:

Page 1, line 3, after "(a)" insert "**This section does not apply to contraceptive drugs and devices that have been approved by the federal Food and Drug Administration to prevent**

pregnancy.**(b)".**Page 1, line 10, delete "(b)" and insert "**(c)**".Page 1, line 16, delete "(c)" and insert "**(d)**".Page 2, line 2, delete "(a)" and insert "**(b)**".Page 2, line 6, delete "(d)" and insert "**(e)**".Page 2, line 7, delete "(c)," and insert "**(d),**".Page 2, line 12, delete "(c)." and insert "**(d).**".

(Reference is to SB 3 as printed January 11, 2008.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 24: yeas 22, nays 26.

Motion failed. The bill was ordered engrossed.

Senate Bill 10

Senator Steele called up Senate Bill 10 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 15

Senator Meeks called up Senate Bill 15 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 33

Senator M. Young called up Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 46

Senator Gard called up Senate Bill 46 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 51

Senator Weatherwax called up Senate Bill 51 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 78

Senator Zakas called up Senate Bill 78 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 78-1)

Madam President: I move that Senate Bill 78 be amended to read as follows:

Page 5, line 3, delete "A" and insert "**Except as provided in subsection (h), a**".

Page 5, between lines 37 and 38, begin a new paragraph and insert: "**(h) If a financial institution requires the services of a locksmith or other contractor to gain access to a safe deposit box, the financial institution has five (5) additional business days to comply with the requirements of subsection (d).**".

(Reference is to SB 78 as printed January 17, 2008.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 83

Senator Wyss called up Senate Bill 83 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 84

Senator Steele called up Senate Bill 84 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 89

Senator Lawson called up Senate Bill 89 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 89-1)

Madam President: I move that Senate Bill 89 be amended to read as follows:

Page 19, line 26, delete "." and insert ", **unless that personal information is currently being used in an activity authorized by the borrowers or prospective borrowers under one (1) or more of the following circumstances:**

(A) The personal information is included on an application or other form sent as part of an application process or an enrollment process.

(B) The personal information is used to obtain a credit report on an applicant for credit.

(C) The personal information is used to establish, amend, maintain, or terminate an account, a contract, or a policy, or to confirm the accuracy of the personal information.

However, personal information allowed to be disclosed under this section may not be printed in whole or in part on a postcard or other mailer that does not require an envelope, or in a manner that makes the personal information visible on an envelope or mailer without the envelope or mailer being opened."

Page 19, line 30, after "borrowers" insert "**except as authorized in this section**".

(Reference is to SB 89 as printed January 16, 2008.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 117

Senator Charbonneau called up Senate Bill 117 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 118

Senator Boots called up Senate Bill 118 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

Senate Bill 124

Senator Delph called up Senate Bill 124 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 130

Senator Arnold called up Senate Bill 130 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 134

Senator Meeks called up Senate Bill 134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 146

Senator Miller called up Senate Bill 146 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 146-1)

Madam President: I move that Senate Bill 146 be amended to read as follows:

Page 2, line 36, delete "in" and insert "**in:**
(i)".

Page 2, line 37, delete "after." and insert "**after; and**
(ii) completing a pregnancy.".

Page 2, between lines 40 and 41, begin a new line double block indented and insert:

**"(D) That the pregnant woman should consult with
a physician throughout her pregnancy."**

(Reference is to SB 146 as printed January 18, 2008.)

LANANE

Motion failed. The bill was ordered engrossed.

Senate Bill 149

Senator Miller called up Senate Bill 149 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 163

Senator Wyss called up Senate Bill 163 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 164

Senator Miller called up Senate Bill 164 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 175

Senator Merritt called up Senate Bill 175 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

Senate Bill 184

Senator Zakas called up Senate Bill 184 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 184-1)

Madam President: I move that Senate Bill 184 be amended to read as follows:

Page 1, line 13, delete "limitations" and insert "CODIS guidelines (Combined DNA Index System)".

(Reference is to SB 184 as printed January 18, 2008.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 207

Senator Walker called up Senate Bill 207 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 210

Senator Tallian called up Senate Bill 210 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 221

Senator Simpson called up Senate Bill 221 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 221-1)

Madam President: I move that Senate Bill 221 be amended to read as follows:

Page 2, line 14, after "**Weight.**" insert "**For help call Quitline 1-800-227-2345.**".

(Reference is to SB 221 as printed January 18, 2008.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 223

Senator Hershman called up Senate Bill 223 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 227

Senator Becker called up Senate Bill 227 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 231

Senator Mrvan called up Senate Bill 231 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 233

Senator Kenley called up Senate Bill 233 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 241

Senator Arnold called up Senate Bill 241 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 249

Senator Wyss called up Senate Bill 249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 250

Senator Wyss called up Senate Bill 250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 280

Senator Merritt called up Senate Bill 280 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 280-1)

Madam President: I move that Senate Bill 280 be amended to read as follows:

Replace the effective dates in SECTIONS 14 through 22 with "[EFFECTIVE JULY 1, 2008]".

Replace the effective date in SECTION 54 with "[EFFECTIVE JULY 1, 2008]".

Page 40, line 33, after "sheriff" insert ",".

Page 40, line 33, strike "in this section,".

Page 51, delete lines 10 through 42.

Delete pages 52 through 53.

Page 54, delete line 1.

Page 55, line 34, after "township" insert "(except for the operations of the office of township assessor)".

Page 65, delete line 19.

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as printed January 17, 2008.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 304

Senator Steele called up Senate Bill 304 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

MEMORANDUM

TO: Senator David Long
FROM: Senator David Ford
RE: Authorization for second author to call bills
DATE: January 17, 2008

Pursuant to Senate Rules 73, 79, and 81, in my absence I am

hereby granting my permission for the designated second author/sponsor on each bill for which I am the first author/sponsor to take all necessary action, including but not limited to calling the bill for action, filing motions to concur or dissent, requesting a conference committee to be assigned, and calling a conference committee report for action.

SENATOR DAVID FORD

Verified: SENATOR DAVID LONG

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 1

Senator Lubbers called up Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 25: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crawford and Espich.

Engrossed Senate Bill 17

Senator Kenley called up Engrossed Senate Bill 17 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning redevelopment.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 26: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crawford and Espich.

Engrossed Senate Bill 18

Senator Dillon called up Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 27: yeas 31, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crawford and Espich.

Engrossed Senate Bill 21

Senator M. Young called up Engrossed Senate Bill 21 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 28: yeas 29, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crawford and Hinkle.

Engrossed Senate Bill 22

Senator Lubbers called up Engrossed Senate Bill 22 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 29: yeas 43, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Porter and Behning.

Engrossed Senate Bill 58

Senator Waltz called up Engrossed Senate Bill 58 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 30: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Porter.

Engrossed Senate Bill 62

Senator Steele called up Engrossed Senate Bill 62 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 31: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dembowski and Foley.

Engrossed Senate Bill 211

Senator Bray called up Engrossed Senate Bill 211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 32: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Pursuant to prior authorization from Senator Ford, Senator Kruse called up Engrossed Senate Bill 257 for Third Reading.

Engrossed Senate Bill 257

Senator Kruse called up Engrossed Senate Bill 257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 33: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reske and Foley.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Engrossed Senate Bill 14.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lubbers and Gard be added as coauthors of Engrossed Senate Bill 280.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 176.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as

coauthor of Senate Bill 261.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be removed as coauthor of Senate Bill 21.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 336.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Breaux be added as coauthors of Engrossed Senate Bill 17.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Engrossed Senate Bill 58.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 20.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Engrossed Senate Bill 17.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Senate Bill 356.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas, Charbonneau,

and Deig be added as coauthors of Senate Bill 263.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Charbonneau be added as coauthors of Engrossed Senate Bill 227.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 171.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 210.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Boots, Charbonneau, and Delph be added as coauthors of Senate Concurrent Resolution 18.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Waterman be added as coauthor of Senate Bill 124.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 308.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 172.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 312.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Kruse be added as coauthors of Senate Bill 3.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 114.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second author and Senator Steele be added as coauthor of Senate Bill 171.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 90.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as third author and Senator Broden be added as coauthor of Senate Bill 257.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 334.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as coauthor of Senate Bill 316.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 165.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 89.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Bill 336.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 24, 2008.

LONG

Motion prevailed.

The Senate adjourned at 4:28 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate